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AUTHORITY: 49 U.S.C. 40101, 40109, 40113, 46101, 46102, Chapter 411, Chapter 413, Chapter 415 and Subchapter I of Chapter 417.

SOURCE: ER-439, 30 FR 9439, July 29, 1965, unless otherwise noted.

Subpart A—General

§ 221.1 Applicability of this part.

All tariffs and amendments to tariffs of air carriers and foreign air carriers filed with the Board pursuant to section 403 of the act shall be constructed, published, filed, posted and kept open for public inspection in accordance with the regulations in this part.

§ 221.2 Board may direct reissue of publications.

The Board for good cause shown, may direct the reissue of any tariff publication, concurrence, or power of attorney at any time.

§ 221.3 Carrier's duty.

(a) *Must file tariffs.* Except as set forth in paragraph (d) or (e) of this section, every air carrier and every foreign air carrier shall file with the Board, and print, and keep open to public inspection, tariffs showing all rates, fares, and charges for air transportation between points served by it, and

between points served by it and points served by any other air carrier or foreign air carrier, when through service and through rates shall have been established, and showing to the extent required by regulations of the Board, all classifications, rules, regulations, practices, and services in connection with such air transportation. Tariffs shall be filed, posted, and published in such form and manner, and shall contain such information as the Board shall by regulation prescribe. Any tariff so filed which is not consistent with section 403 of the act and such regulations may be rejected. Any tariff so rejected shall be void.

(b) *Must observe tariffs.* No air carrier or foreign air carrier shall charge or demand or collect or receive a greater or less or different compensation for air transportation or for any service in connection therewith, than the rates, fares and charges specified in its currently effective tariffs; and no air carrier or foreign air carrier shall, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, refund or remit any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities, with respect to matters required by the Board to be specified in such tariffs, except those specified in such tariffs.

(c) *No relief from violations.* Nothing contained in this part shall be construed as relieving any air carrier or foreign air carrier from liability for violations of the act, nor shall the filing of a tariff, or amendment thereto, relieve any air carrier or foreign air carrier from such violations or from violations of regulations issued under the Act.

(d) *Exemption authority.* Air carriers and foreign air carriers, both direct and indirect, are exempted from the requirement of section 403 of the Act and any requirement of this chapter to file, and shall not file with the Board, tariffs for operations under the following provisions:

(1) Part 291, *Domestic Cargo Transportation*, except to the extent noted in § 291.31(a)(1);

(2) Part 296, *Indirect Air Transportation of Property*;

(3) Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Association*;

(4) Part 298, *Exemption for Air Taxi Operations*, except to the extent noted in § 298.11(b);

(5) Part 380, *Public Charters*;

(6) Part 207, *Charter Trips and Special Services*;

(7) Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*;

(8) Part 212, *Charter Trips by Foreign Air Carriers*;

(9) Part 292, *International Cargo Transportation*, except as provided in 292.

(e) *Domestic passenger fare tariffs.* For interstate and overseas air transportation of passengers, the following provisions apply to each pair of points served by an air carrier:

(1) The carrier shall file a tariff stating an unrestricted coach fare for service between those points. The carrier may also file tariffs describing other fare categories (e.g., first class, super-saver). Such tariffs shall include the availability conditions applicable to each fare category filed. The carrier shall not charge any passenger more than the fare on file for the fare category purchased by the passenger, but may charge less than that fare. If there is no fare on file for the fare category purchased by the passenger, the carrier shall not charge more than the unrestricted coach fare on file, except for service that includes additional amenities.

(2) The carrier shall also file a tariff stating the amount to be used for construction of joint fares for interline service, if that amount is different from the unrestricted coach fare on file. Joint fares constructed from such filed amounts shall be binding on carriers and ticket agents except for interline routings where the carriers have agreed to charge lesser amounts.

(3) Ticket agents shall not charge any passenger more than the fare on file for the fare category purchased by the passenger, but may, except as set forth in paragraph (e)(2) of this section, charge less than that fare. If there is no fare on file for the fare category purchased by the passenger, the ticket agent shall not charge more than the

unrestricted coach fare on file except for service that includes additional amenities. A carrier may arrange, by contract with its ticket agents, to specify fixed fares to be charged by the ticket agents, and may provide notice of such arrangements in its tariffs. Failure of ticket agents to observe such arrangements will not, however, be considered a violation of the Act or of Board rules. The Board does not hereby approve such contractual arrangements under section 412 of the Act or exempt them from the antitrust laws under section 414.

(4) Air carriers and ticket agents are exempt from the requirements of section 403(a) and (b)(1) of the Act and the other provisions of this part to the extent necessary to allow the filing of tariffs and the charging of prices for interstate and overseas air transportation as set forth in this paragraph (e).

(5) In this paragraph, “charge” includes “charge,” “collect,” “demand,” and “receive,” as those terms are used in section 403 of the Act.

(Secs. 102, 204, 403, and 416 of the Federal Aviation Act of 1958, as amended by Pub. L. 95–504, 72 Stat. 740, 743, 758, and 771, 92 Stat. 1731, 1732 (49 U.S.C. 1302, 1324, 1373, and 1386))

[ER–439, 30 FR 9439, July 29, 1965, as amended by ER–1125, 44 FR 33059, June 8, 1979; ER–1246, 46 FR 46794, Sept. 22, 1981; ER–1313, 48 FR 1941, Jan. 17, 1983; 60 FR 61478, Nov. 30, 1995]

§ 221.4 Definitions.

As used in this part, terms shall be defined as follows:

Act means the Federal Aviation Act of 1958, as amended.

Area No. 1 means all of the North and South American Continents and the islands adjacent thereto; Greenland; Bermuda; the West Indies and the islands of the Caribbean Sea; and the Hawaiian Islands (including Midway and Palmyra).

Area No. 2 means all of Europe (including that part of the Union of the Soviet Socialist Republics in Europe) and the islands adjacent thereto; Iceland; the Azores; all of Africa and the islands adjacent thereto; Ascension Island; and that part of Asia lying west of and including Iran.

Area No. 3 means all of Asia and the islands adjacent thereto except that